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Brief

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I. Anticipation

Introduction

20 A claim is anticipated only if each and every element set forth in a claim is present either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). However, multiple references can be evidence that the single reference's disclosure is enabling. MANUAL OF PATENT EXAMINING
25 PROCEDURE, section 2131.01[I] (Eighth Ed., Rev. October 2005) [hereinafter referred to as MPEP].

(a) Identity of Invention

Anticipation is a question of fact. Glaverbel Societe Anonyme v. Northlake Marketing & Supply Inc., 45 F.3d 1550, 1554, 33 U.S.P.Q.2d 1496, 1498 (Fed. Cir. 1995), *reh'g en banc denied*, Glaverbel Societe Anonyme v. Northlake Mktg. & Supply, 1995 U.S. App. Lexis 12275 (Fed. Cir. Mar 2, 1995). Anticipation of a claimed method occurs if all steps
30 of the claim, and otherwise considering the claim as a whole, are found within a single

pertinent prior art reference. Transclean Corp. v. Bridgewood Services, Inc., 290 F.3d 1364, 1370, 42 U.S.P.Q.2d 1865 (Fed. Cir. 2002), *reh'g denied*, 2002 U.S. App. LEXIS 15633 (Fed. Cir. July 2, 2002).

5 (b) *Inherency*

To establish inherency, that a certain result might occur from specific circumstances is not sufficient. *See Ex parte Tanksley*, 37 U.S.P.Q.2d 11382, 1385 (Bd. Pat. App. & Intfs. 1994)(no inherency in prior art DNA tomato clone library because the likelihood of obtaining identical clones was too low). Instead, the government must provide a
10 technical or factual basis that allegedly inherent characteristics necessarily result from the prior art. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Intfs. 1990) (prior art reference did not provide any working example of the technical conditions for catheter balloon production); *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1951 (Fed. Cir. 1999)(a third diaper fastener for disposal is not inherent from a reference
15 description of two fasteners which attach the diaper to the person).

The government can use extrinsic evidence to establish that: (i) missing descriptive information is necessarily present in the reference, and (ii) this information would be so recognized by persons of ordinary skill in that particular art. *See Continental Can Co. U.S.A. v. Monsanto Co.*, 948 F.2d 1264, 1269, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir.
20 1991), *reh'g denied*, Continental Can Co. v. Monsanto Co., 1991 U.S. App. Lexis 29970 (Fed. Cir. Dec. 26, 1991) (evidence required as to whether prior art manufacturing process necessarily produced the hollow ribs of claimed invention). That a person of ordinary skill could recognize inherent description from a reference is applicable only

when the description is to a structure or method step. *See* EMI Group North America, Inc. v. Cypress Semiconductor Corp., 268 F.3d 1342, 1350, 60 U.S.P.Q.2d 1423 (Fed. Cir. 2001).

5 (c) *Enablement*

The government's single prior art reference must be such that a person of ordinary skill in the art could practice the invention without undue experimentation. Advanced Display Systems, Inc. v. Kent State University, 212 F.3d 1272, 1282, 54 U.S.P.Q.2d 1673, 1679 (Fed. Cir. 2000), *cert. denied*, 532 U.S. 904 (2001). The reference must also enable one
10 of skill in the art to make and use the claimed invention. Transclean Corp. v. Bridgewood Services, Inc., 290 F.3d at 1370; *see also* Helifix Ltd. V. Block-Lock, Ltd., 208 F.3d 1339, 1347-48, 54 U.S.P.Q.2d 1299 (Fed. Cir. 2000) (no evidence indicated that a person of ordinary skill in the art could have made or obtained a tool for the claimed method without undue experimentation).

15 **Argument**

Amended Claim 1

20 Amended Claim 1 designates a vehicle support kit which contains stake apertures and studs within its base plate. Because Tapley does not disclose this feature in his base plate, then Tapley does not anticipate amended Claim 1. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d at 631 (a claim is anticipated only if each and every element set forth in a claim is present in a single prior art reference).

Neither is amended Claim 1 inherent from Tapley, because there is no manner in which the studs and apertures inevitably and necessarily result from his disclosure. *See In re Robertson*, 169 F.3d at 745 (third diaper fastener for disposal is not inherent from a reference description of two fasteners which attach the diaper to the person); *Continental Can Co. U.S.A.*, 948 F.2d at 1269 (evidence required as to whether prior art manufacturing process necessarily produced the hollow ribs of the claimed invention).

Similarly, Tamely does not enable someone skilled in the art of emergency vehicle equipment to make and use the amended Claim 1 invention, because these features are completely absent from Tapley's base plate. *See Helifix Ltd. v. Block-Lock, Ltd.*, 208 F.3d at 1347-48 (no evidence indicated that a person of ordinary skill in the art could have made the claimed method without undue experimentation).

Amended Claim 2

Applicant incorporates the legal analysis in its entirety for amended Claim 1, *supra*, to establish that Tapley does not anticipate amended Claim 1.

II. Obviousness

Introduction

The current legal criteria for obviousness are:

- (1) level of skill in the art; and
- (2) content of the prior art and the differences between the prior art and the claimed invention;

(3) secondary considerations which are generally commercial in nature. Graham v. John Deere Co., 383 U.S. 1, 17, 86 S. Ct. 684, 694, 15 L.Ed.2d 545 (1966).

The Federal Circuit has identified three possible sources for a motivation to combine
5 references: (i) The nature of the problem to be solved; (ii) the teachings of the prior art;
and (iii) the knowledge of a person of ordinary skill in the art. In re Rouffet, 149 F.3d
1350, 1357, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998) (the government must specify
which technological principle within the knowledge of one of ordinary skill in the art
would have suggested the combination). To reject claims under section 103, the
10 government must factually establish an un rebutted *prima facie* case of obviousness.
MPEP section 2142, first paragraph. Without a proper *prima facie* case, an applicant who
complies with the other statutory requirements is entitled to a patent. In re Rouffet, 149
F.3d at 1357.

15 (a) *Suggestion or Teaching by the Prior Art*

The fact that one skilled in the art could modify prior art in a manner alleged by the
government does not make such modification obvious. Instead, prior art must suggest the
desirability of a particular modification. In re Fritch, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d
1780 (Fed. Cir. 1992) (flexible landscape edging device not suggested by hindsight
20 combination of prior art). There also should be a reasonable expectation of success of the
suggested modification within the actual prior art. See In re Vaeck, 947 F.2d 488, 493, 20
U.S.P.Q.2d 1438 (Fed. Cir. 1991).

(b) The claimed invention as a whole must be obvious

When determining differences between prior art and the Applicant's claims, the inquiry is whether the claimed invention *as a whole* would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 1537, 218 U.S.P.Q. 871 (Fed. Cir. 1983) (emphasis added). A prior art reference is considered in its entirety, including portions which lead away from the claimed invention. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1550-51, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied* 469 U.S. 851 (1984).

10 *(c) The prior art cannot teach away from the claimed invention.*

A *prima facie* case of obviousness is rebutted by prior art, which in any material respect teaches away from the claimed invention. MPEP section 2144.05 III. A claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose. MPEP section 2145 III.(second paragraph). In re Ratti, 270 F.2d 810, 813, 123 U.S.P.Q. 349 (C.C.P.A. 1959) (references taught rigid devices whereas the claimed invention required resiliency). A reference which teaches away from the claimed invention contains no suggestion to combine references. In re Fine, 837 F.2d 1071, 1076, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

20 *(d) All claim limitations must be considered.*

All of an invention's claim limitations must be taught or suggested by the government's prior art. MPEP section 2143.03. When evaluating a claim for obviousness, the government must consider all claim language. In re Wilson, 424 F.2d 1382, 1385, 165

U.S.P.Q. 494, 496 (C.C.P.A. 1970). If an independent claim is non-obvious, then any claims depending therefrom are non-obvious. In re Fine, 837 F.2d at 1076.

(e) Obvious to try

5 Prior art suggestion for virtually endless experimentation does not constitute *prima facie* obviousness. See In re Dow Chemical Co., 837 F.2d 469, 472-73, 5 U.S.P.Q.2d 1529, 1532 (Fed. Cir. 1988); MPEP section 2145X.B. The government must consider the years of the inventor's research which preceded the claimed invention, and give it fair evidentiary weight. In re Dow Chemical Co., 837 F.2d at 473.

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Those of ordinary skill in the art cannot establish obviousness by attempting each possible experimental permutation until a possible successful result, where the prior art gives no indication of critical parameters. See In re O'Farrell, 853 F.2d 894, 903, 7 U.S.P.Q.2d 1673 (Fed. Cir. 1988). It is also legal error to establish obviousness upon a
15 disclosure of a promising new technology, where the prior art gave only general guidance to the particular form of the claimed invention, or how to achieve it. *Id.*

(f) Relevant Evidence

An applicant's declaration which describes the conception and reduction to practice is
20 relevant to a section 103 inquiry. See In re McKenna, 203 F.2d 717, 720, 97 U.S.P.Q. 348 (C.C.P.A. 1953). Evidence and arguments directed to the invention's advantages are relevant, even if they were not disclosed in the specification. See In re Chu, 66 F.3d 292, 298-99, 36 U.S.P.Q.2d 1089, 1094-95 (Fed. Cir. 1995). The government must also

consider evidence of long-felt but unsolved needs within a particular art or industry. *See* MPEP section 2141III.

(g) Inherency

5 Obviousness is not equivalent to inherent anticipation. Trintec Industries, Inc. v. Top-U.S.A. Corp., 295 F.3d 1292, 1296, 63 U.S.P.Q.2d 1597, 1600 (Fed. Cir. 2002); *see also* Jones v. Hardy, 727 F.2d 1524, 1529, 220 U.S.P.Q.1021, 1025 (Fed. Cir. 1984)(‘anticipation by inherency’ and ‘obviousness’ are separate concepts). The inherency of an advantage and the obviousness of an invention’s advantage are entirely
10 different inquiries. In re Spormann, 363 F.2d 444, 448, 150 U.S.P.Q. 449, 452 (C.C.P.A. 1966); In re Adams, 356 F.2d 998, 1002-03, 148 U.S.P.Q. 742, 746 (C.C.P.A.1966) (prior art did not suggest the unexpected increase in heat transfer efficiency of foam *as specifically applied in the invention*, although those in the art knew that foam *per se* transfers heat) (emphasis added).

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Amended Claim 3

The government contends that Tapley “including teaching wherein the support base plate has two elevated base plate walls (11) with an outwardly extending arm (See Drawing
20 Above) and wherein the base plate adapter (12) has a bottom most rounded surface contacting the vehicle support base plate.” February 17, 2006 Office Action, page 5, third paragraph.

The government also contends that Tapley discloses Applicant's "basic inventive concept." *Id.* A 'basic inventive concept' is not the proper legal criteria for obviousness. *See John Deere. v. Graham* and cases, *supra*. Under the proper legal analysis for obviousness, the government must specify wherein it finds the teaching or suggestion for
5 combining two or more references to arrive at the applicant's invention. *In re Fritch*, 972 F.2d at 1266 (flexible edging device not suggested by hindsight combination of prior art).

In the present case the government contends that Tapley teaches two elevated base plate walls, with an extending arm and base plate adapter. Applicant disputes that Tapley
10 discloses two elevated base plate walls, because the structure which the government has designated is actually a socket 11. Tapley, Figures 2 and 3, col. 1, lines 50-55. There are no elevated base plate walls as limitations within Applicant's Claim 3 or preceding amended claims 1 and 2.

15 Moreover, when evaluating a claim for obviousness the government must consider all claim language. *In re Wilson*, 424 F.2d at 1385. Here the government has not considered the limitations of small protruding studs and base plate round openings within amended Claims 1 and 2, and from which amended claim 3 depends.

20 U.S. Pat. No .5,402,595 (Tamllos) [hereinafter Tamllos] teaches a single knurled ring within a rifle support stand. The government contends the Tamllos, combined with Tapley, teaches Applicant's invention based upon this single knurled ring. However, the government has not specified where Tamllos teaches one of ordinary skill in the art to

incorporate and functionally connect knurled rings for Applicant's specific application of telescoping units. Knurled rings are ubiquitous in the prior art, and so there must be a suggestion to incorporate them in the specific manner of Applicant's device. In re Fritch, 972 F.2d at 1260.

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Tamalos also teaches away from Applicant's invention because the Tamalos device does not telescope or swing upon a rotating swiveling adapter mounted upon a base plate. In re Ratti, 270 F.2d at 813 (references taught rigid devices whereas the claimed invention required resiliency) As a result the amended Claim 3 invention as a whole is not obvious.

10 W. L. Gore, Inc. & Associates, Inc. v. Garlock, Inc. 721 F.2d at 1550-51 (a prior art reference is considered in its entirety, including portions which lead away from the claimed invention).

Furthermore, Applicant's use of knurled rings, as hand grips required in an emergency
15 within a telescoping device, is not inherent within Tamalos' knurled ring as a single rifle stand component. In re Adams, 356 F.2d at 1002-03 (prior art did not suggest the unexpected increase in heat transfer efficiency of foam as specifically applied in the invention). Nor is Applicant's device inherently created from the Tamalos and Tapley disclosures: **The** government must give fair evidentiary weight to the inventor's research
20 which preceded the claimed invention. In re Dow Chemical Co., Inc., 837 F.2d at 472-73; Applicant's Declaration, attached hereto as Exhibit A. The government must consider evidence of this research and development which the inventor submits in his or her own declaration. Application of McKenna, 203 F.2d at 720; applicant's Declaration.

A plurality of apertures for ratcheting straps is a feature of amended Claim 3, but is not present in Tapley or Tamllos. February 17, 2006 Office Action, page 5, third paragraph. Neither do these claims designate a base plate adapter (12). February 17, 2006 Office
5 Action, Page 5, third paragraph. Tapley and Tamllos do not suggest studs and round apertures within Applicant's base plate, In re Fritch, 972 F.2d at 1266, nor are these features inherent within Tapley and/or Tamllos. In re Adams, 356 F.2d at 1002-03.

10 **Amended Claim 4**

Applicant's analysis for amended Claim 4 incorporates previous analysis for the non- – obviousness of amended Claim 3. Tapley, Figures 2 and 3, col. 1, lines 50-55. With respect to Claim 4 specifically, the structure, which the government designates as an outwardly extending arm (29), is actually a transverse plate (29) welded to a shank (13,
15 15) to form a stop. The shank and welded transverse plate together form a separate structure from the socket 11. February 17, 2006 Office Action, page 4, Figures 2 and 3; Tapley, col. 1, lines 64-67.

The government has previously characterized Tapley's socket 11 as elevated base plate
20 walls. February 17, 2006 Office Action, page 5, third paragraph. However, Tapley's transverse plate is actually part of the shank and therefore not an analogous structure.

The amended Claim 4 invention is not inherent because there is no feature within Tamllos or Tapley which can be further modified or structured to Applicant's adapter or

base plate or plurality of apertures within the base plate.. See In re Adams, 356 F.2d at 1002-03. The government's references also do not teach all the limitations of Claim 4 because neither Tapley nor Tamillos disclose a separate swivel adapter or plurality of base plate apertures. In re Wilson, 424 F.2d at 1385.

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Tapley teaches away from amended Claim 4, because Tapley's bracket and socket structure does not have elevated base plate walls which comprise a plurality of apertures. Furthermore, Tapley teaches a support with identical base plate brackets which attach at both ends of the support device, while Applicant's device only comprises one such base plate. In re Ratti, 270 F.2d at 813.

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Amended Claim 5

Applicant incorporates all the above analysis of amended Claims 1, 2, 3 and 4 for amended Claim 5. Furthermore, Tapley and Tamillos do not suggest a base plate adapter which attaches to the base plate with a detent pin through a swivel channel. In re Fritch, 972 F.2d at 1266.

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Tapley and Tamales also fail to teach Applicant's vehicle support kit as a whole, W.L. Gore & Associates, Inc. 721 F.2d at 1550-51 (portions of prior art reference which lead away from the claimed invention), because Tapley's shank is held in place with a screw which abuts the spherical surface. Consequently, Tapley teaches away from Applicant's adapter: Applicant's adapter contains a continuous swivel channel through which a pin attaches the physically separate distinct base plate adapter to opposing sidewalls.

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In sum, neither Tapley, Tamllos, nor these references in combination, suggest the all the limitations of amended Claim 5. In particular, they do not suggest (i) the swivel channel feature within a physical separate swivel base plate adapter, nor (ii) the detent pin which traverses this channel. In re Wilson, 424 F.2d at 1385. These features are also not inherent within Tapley or Tamllos: Although Tapely's shank has a rounded ball and Applicant's adapter has a rounded surface, Applicant's adapter rotates around a detent pin within the adapter. In re Adams, 356 F.2d at 1002-03. As a result, there would be virtually endless experimentation to obtain Applicant's device based upon these two references. *See* Declaration of James G. Sullivan, Exhibit A attached hereto.

Claim 6

Applicant incorporates his previous legal analysis *supra* of Claims 1, 2, 3, 4 and 5 for Claim 6.

Claim 7

Applicant incorporates his previous legal analysis *supra* of Claims 1, 2, 3, 4, 5 and 6 for Claim 7.

Claim 8

Applicant incorporates his previous legal analysis of Claims 1, 2, 3, 4, 5, 6 and 7 *supra* for Claim 8.

Amended Claim 20

The government contends that Cudmore discloses a base plate adapter which rotates 140 degrees when attached to a base plate. February 17, 2006 Office Action, page 6, first full paragraph. However, Applicant has not found a 140 degree rotation disclosed in Cudmore's disclosure, nor any other value for of the scope of rotation.

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The government also contends that Cudmore discloses an analogous base plate adapter which it designates as cylindrical post 10. However, structure 10 is structurally and functionally non-analogous to Applicant's base plate adapter, because Applicant's adapter is a completely physically distinct from the base plate. In contrast, Cudmore's structure 10 is merely a hollow cylindrical cross-section. Cudmore, Figure1; col. 2, lines 47-48 (pivotal joint 9 includes an upstanding cylindrical post). Cudmore also does not describe joint 9 as a pin around which an adapter rotates. Cudmore, Figure 1, Col. 2, lines 42-48 (pivotal joint 9 adapted for releasable attachment to the lower end of elongatable(sic) member 2).

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In fact, Cuddlier explicitly states that reference numeral 9 refers to a pivotal joint. *Id.*, Col. 2 lines 47-50. In sum, the government's designation of joint 9 as a pin and angle of rotation as 140 degrees, are only speculation. Its characterization of cylindrical post 10 as a base plate adapter is clearly inaccurate.

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Even if the government's characterization of pivotal joint 9 and cylindrical post 10 were accurate ---- and Applicant emphatically concludes that they are not --- currently amended 20 is non-obvious. Amended Claim 20 designates a detent pin which traverses Applicant's base plate adapter through a swivel channel. The detent pin thereby attaches

the adapter through apertures within the actual base plate. Neither U.S. Pat. No. 6,158,705 (Cudmore) nor U.S. Pat. No. U.S. 6,450,473 B1(Cook, Jr). suggest or teach a detent pin which enters base plate apertures and a congruently aligned swivel channel within the adapter. In re Fritch, 972 F.2d at 1266.

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Similarly, Cuddlier and Coke, Jr. do not teach all the limitations of amended Claim 20, such as the separate base plate adapter containing a swivel channel or a detent pin. In re Wilson, 424 F.2d at 1385. Amended Claim 5 is not taught by these references as a whole, and these same references teach away from Applicant's device because of the

10 (i) absence of a swivel channel; and

(ii) non-swiveling behavior of cylindrical post 10 which the government designates as the base plate adapter (i.e., cylindrical post 10 which is actually part of the attachable joint 9).

Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d at 1537; In re Ratti, 270 F.2d at 813

15 (claimed combination cannot change the principle of operation of the primary reference or render the reference inoperable for its intended purpose).

Cooke, Jr. does not disclose a detent pin with the reference numeral 40 within the text, although there is a reference numeral 40 in Figures 6, 7 and 8. These reference numerals
20 40 appear to identify the structure designated reference number 38 in the remaining figures and text. Cooke, Jr., Col. 4, lines 25-33; Figures 3, 4, 5 and 8). Assuming that reference numerals 38 and 40 both designate a detent pin which rotates Cooke, Jr. does not teach a detent pin which inserts through a swivel channel within an adapter.

Furthermore, Cooke Jr. teaches away from Applicant's invention because it does not contain:

- (i) a telescoping cylinder attaches to pistons of pistons, nor
- (ii) the plurality of apertures within the base plate which are part of Applicant's device.

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Applicant's physically separate distinct base plate adapter with swivel channel is not inherent within Cudmore and/or Cook, Jr.: There is nothing within their devices which can be modified to arrive at the specific function, or structure, of Applicant's features. In re Adams, 356 F.2d at 1002-03. There is also no manner in which Cooke and Cudmore can be modified to arrive at Amended Claim 20 without endless experimentation. See In re Dow Chemical Co., 837 F.2d at 472-73; MPEP section 2145X.B. (the government must consider the previous development and research of the inventor); Declaration of James G. Sullivan, Exhibit A attached hereto.

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15 **Amended Claim 21**

Applicant incorporates the above analysis and conclusions of amended Claim 20 for amended Claim 21. In addition neither Cudmore, Cook Jr., nor these references in combination, teach a physically separate proximal cylinder end plug which attaches a physically separate integral base plate adapter to a cylinder. In re Fritch, 972 F.2d at 1266. Cudmore and Cook, Jr. teach away from Applicant's device because they do not disclose a physically and structurally separate mechanism for attaching a cylinder to a base plate adapter. In re Ratti, 270 F.2d at 813 (references cannot teach away from the

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claimed device). *See also* Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d at 537 (references must suggest invention as a whole).

Because Cudmore and Cook, Jr. do not disclose or suggest a proximal cylinder end plug
5 of any variety, then amended Claim 21 is obvious. In re Wilson, 424 F.2d at 1385.(all
claim limitations must be suggested or taught by prior art references) These features are
also not inherent within Cudmore and/or Cook, Jr., because there they do not teach a
structure which can be modified to inevitably result in the proximal the proximal
cylinder end-plug of Claim 21. *See* In re Adams, 356 F.2d at 1002-03. Similarly,
10 Cudmore and Cooke Jr. would require endless experimentation to arrive at Applicant's
proximal cylindrical end plug design. In re Dow Chemical Co., 837 F.2d at 472-73;
MPEP section 2145X.B.

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Government's Prior Art Not Relied Upon

Applicant's analysis, although not exclusive, for concluding that the following references
25 do not affect the patentability of his invention are as follows:

U.S. Pat. Application Publication US 2004/02588460 (Taylor) discloses a coupler which
includes a base with a lower flat planar surface. Ball washer assemblies are provided for
mounting the base on upon curved surface. There is also a tub which adjustably connects
30 the base to a shaft, as well as a plug for repositioning the tub with respect to the shaft.

The coupler is structurally intended primarily for stabilizing the attached shaft upon a
curved surface such as a boat hull. Consequently, it does not contain the studs and stake
apertures, knurled rings, or telescoping pistons which characterize Applicant's device.

U.S. Pat. No. 3,355,136 (Staples) discloses an adjustable support device for an elevated vehicle. There is a support platform and an extendible member having a standard member with a cradle. The support platform resembles a partially longitudinally extended triangle in cross-section. The longitudinally extended apex comprising the most elevated surface
5 along the platform. This support platform is not flat, nor does not display the stake apertures, studs or other features of Applicant's base plate.

U.S. Pat. No. 5,575, 492 (Stone) discloses a stabilizer apparatus for fifth wheel trailers which has a leveling jack, a strut forming leg and a connecting chain. The top end of each
10 leg has a notch which contacts a pin. The pin is attached to the underside of the trailer near a jack. Each leg is positioned to extend outward from the trailer with its bottom containing the ground and its uppermost portion contacting a pin. Stone does not disclose a tiered telescoping system, studs, stake apertures, or a base plate adapter which characterize Applicant's device.

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U.S. Pat. No. US 6,776,383,B2 (Lanka) discloses a vehicle bracing apparatus with a footer which connects to the second end of a main tube. The footer includes a base plate with a set of parallel flanges which extend from the base plate upper surface. The parallel
20 flanges contain orifices through which ratchet straps connect to the footer. There is also a second set of parallel flanges with orifices through which a pin inserts to secure the footer to a fine adjuster of the main tube. Lanka does not disclose a tiered telescoping system, nor the studs and stake apertures of Applicant's device.

25 U.S. Pat. No. US 6,863,253 B2 (Valentz et al.) discloses a support base for equipment.

which includes a body with a top surface and generally planar bottom surface. At least one recess in the top surface can receive a support member which inserts within the recess. Stone does not disclose a tiered cylindrical telescoping system and the body does not display a plurality of apertures within the base plate.

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Remarks

1. Applicant has amended Claims 1 and 2 to add features which are not disclosed in Tapley. However, he does not necessarily agree that Claims 1 and 2 as originally filed are anticipated by this reference.

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2. Applicant has amended claims 3 to 5 to add features which are not suggested by Tapley and Tamllos. Applicant does not necessarily agree that Claims 3, 4, and 5 as originally filed are obvious in view of Tapley and Tamllos.

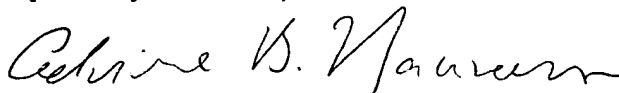
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3. Claims 6-8 contain the same limitations as amended Claims 1, 2, 3, 4 and 5 and so are not anticipated and are non-obvious.

4. Claim 9 is modified in accordance with the government's recommendation to include the features of Claim 9 as originally filed, plus all the limitations of the amended base claim and intervening claims.

5. Applicant has amended Claims 20 and 21 with diverse technical features. Applicant does not necessarily agree that Claims 20 and 2a as originally filed were obvious.

Respectively submitted,



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